

REMARKS

Entry of the amendment instructions presented herewith and favorable reconsideration of this application are requested.

At the outset, applicants appreciatively note the Examiner's indication of allowable subject matter defined by prior pending claims 5-8. Newly presented independent claim 35 has therefore been presented which essentially represents a combination of prior claims 1 and 4-5. Claims 36-40 substantively based on prior claims 2-3, and 6-8, respectively, have also been presented and are dependent on new claim 35. Thus, claims 35-40 should be in condition for prompt allowance following their entry into the subject application.

By way of the amendment instructions above, prior independent claims 1 and 28 have been amended so as to emphasize that the substrate layer is "colored" and that **each** of the clear coat and tie layers is at least 95% transparent to visible light so that the color of the substrate layer is visible therethrough. Claim 30 has been cancelled as redundant.

Therefore, claims 1-8, 26-29 and 35-40 will be pending in this application following entry of this amendment. Reconsideration and allowance of all such pending claims is therefore solicited.

I. Response to Art-Based Rejections

The Examiner now asserts that many of the claims are unpatentable under 35 USC §103(a) as allegedly being "obvious" from newly applied Tsai et al (USP 6,306,503) in view of the previously cited Spain et al and Smith et al patents. The Examiner has now therefore now apparently employed Tsai et al for its disclosure of a multilayer polyvinyl fluoride and TPO layer which are adhered to one another via a tie layer which comprises a styrene-ethylene/butylene-styrene block copolymer.

The Examiner's combination of references to support her "obviousness" rejection is respectfully submitted to be legally flawed and therefore must be withdrawn. For example, Tsai et al contains no disclosure or suggestion of providing a tie layer **and** a clear coat layer whereby each layer exhibits a transparency to visible light of at least 95%. Indeed, the secondary reference to Smith et al teaches away from employing a tie layer at all when bonding a clear coat layer to a colored TPO layer since Simit et al teach the **mechanical bonding** of such layers directly to one another.

As noted in applicants' prior response, Spain et al merely teaches that a PVF clear coat layer *per se* may be employed in a laminate structure. There is absolutely no suggestion at all in Spain that a PVF clear coat could be laminated with a TPO layer via a tie layer as defined in the present applicants' invention. Specifically, there is no suggestion at all that the PVF clear coat layer and any tie layer must necessarily **both** exhibit a transparency to visible light of at least about 95% as claimed herein. Hence, even if Spain et al were combined with Smith et al, the present invention would not result.

Withdrawal of the rejections advanced against the pending claims based on the combination of Tsai et al, Smith et al and Spain et al is therefore in order.

II. Response to Double Patenting Rejection

Applicants again urge the Examiner to reconsider and withdraw the allegation of "obviousness-type" double patenting based on copending application Serial No. 09/993,909.

In this regard, the applicants again reiterate that the claims pending in the '909 application define a tie layer which is comprised of an adhesive-enhancing effective amount of a **linear styrene-ethylene/butylene-styrene backbone with at least about 0.5 wt% of maleic anhydride grafted onto said backbone** so as to adhesively bond

the substrate and clear coat layers one to another. In contrast, the present invention defines the tie layer more generically as a styrenic block copolymer.

Applicants submit that the Examiner has not proffered any evidence which would render "obvious" the claims of the '909 application over claims 1, 3 and 26-30 of the present application. Specifically, applicants note that an ordinarily skilled person having the claims of the present application before him/her would not be lead to expect that a tie layer having an adhesive-enhancing effective amount of a ***linear styrene-ethylene/butylene-styrene backbone with at least about 0.5 wt% of maleic anhydride grafted onto said backbone*** would or could be employed so as to bond a PVF clear coat layer to a TPO substrate layer. The Examiner has not supplied any evidence which would render such subject matter "obvious".

As such, the claims of the '909 application cannot be considered to be an obvious variant of claims 1, 3, 26-30 pending herein. In other words, the record evidences that the claims pending in the '909 application are patentably distinct from the claims pending in the subject application notwithstanding the fact that the scope of the latter dominates the scope of the former.

Withdrawal of the double patenting rejection is therefore again solicited.

DEY et al
Serial No. 09/993,908
August 17, 2004

III. Conclusion

Every effort has been made to advance prosecution of this application. Therefore, in view of the amendments and remarks presented herewith, it is suggested that this application is in condition for prompt allowance and Official Notice to that effect is solicited.

Respectfully submitted,

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